

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KIMBERLY JEDLICKA, :  
Plaintiff, :  
-v- : 22 Civ. 3869 (JPC)  
THE GUARDIAN LIFE INSURANCE COMPANY OF :  
AMERICA., :  
Defendant. :  
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JOHN P. CRONAN, United States District Judge:

To aid the Court in resolving the pending motion to transfer venue in this case, Dkt. 21, the parties are hereby directed to submit supplemental letter briefs concerning whether, under *Firestone Tire & Rubber Co. v. Bruch*, 489 U.S. 101 (1989), a court would review the denial of benefits to Plaintiff *de novo* or under the arbitrary and capricious standard, and, given the standard to be applied, whether the Court's review would be limited to the administrative record or whether instead the Court would have discretion to conduct factfinding outside the record. Those briefs shall be no more than six pages, single spaced, and shall be submitted by September 16, 2022.

SO ORDERED.

Dated: September 12, 2022  
New York, New York



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JOHN P. CRONAN  
United States District Judge